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FISCAL IMPACT STATEMENT

LS 6236

BILL NUMBER: SB 98

NOTE PREPARED: Jan 13, 2005

BILL AMENDED:

SUBJECT: Probation Revocation.

FIRST AUTHOR: Sen. Long

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill permits a judge to order execution of all or part of a probationer's suspended sentence if the probationer violates a condition of probation. (Current law only permits the court to order execution of all of the probationer's suspended sentence.) (The introduced version of this bill was approved by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under current law, when offenders on probation either commit new crimes or violate a condition of their probation, courts can extend the length of probation, recommit the offender to the Department of Correction (DOC) to serve the length of the sentence that the offender has not completed, or not modify the offender's sentence.

Under this bill, the court could recommit the offender to DOC for a portion of the sentence that the offender has not served rather than for the full suspended sentence.

Whether this bill can reduce the cost of incarceration in state facilities for felony probation revocations would depend on the actions of the courts. This bill could save prison beds if offenders on probation serve less than the full suspended sentence when probation is revoked and the offender is sent back to prison.

There are no data available to indicate the length of prison sentence originally imposed but suspended, or the average term of stay for probation violators in state facilities.

Background: Between 1998 and 2004, the number of offenders who were recommitted to the Department of Correction because their probation was revoked is provided in the following table. If courts recommit offenders to a shorter term, then additional prison beds could be saved. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.)

<u>Number of Felony Offenders</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Probation Revoked	4,250	4,514	4,473	5,471	5,625	6,584	n/a
Revoked and Recommitted to DOC	1,236	1,251	1,323	1,214	1,545	2,034	2,123
Percent Revoked and Recommitted	29%	28%	30%	22%	27%	31%	

Explanation of State Revenues:

Explanation of Local Expenditures: The fiscal impact of this bill on the cost of incarceration in local facilities would depend on the actions of the courts. If courts sentence offenders to serve less than the full suspended sentence when probation is revoked, costs of incarceration for probation offenders would decrease.

The average cost per day for incarceration in a local facility is approximately \$44.

The Office of State Court Administration reports that the number of misdemeanor offenders on probation who have had the terms of probation revoked for a violation or a new crime are shown below.

<u>Misdemeanants on Probation Revoked For:</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
New Crime	3,179	3,281	3,327	3,158	3,212	3,809
Technical Violation	<u>4,760</u>	<u>4,823</u>	<u>5,044</u>	<u>5,417</u>	<u>5,240</u>	<u>6,552</u>
Total Revocations	7,939	8,104	8,371	8,575	8,452	10,361

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Probation Reports, 1998 – 2003, Indiana Sheriffs’ Association, Department of Correction.

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